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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,338	10/04/2002	Haig H. Krakirian	PD 1308.01US	2201
30439	7590	08/31/2005	EXAMINER	
DVA / PIONEER DIGITAL TECHNOLOGIES SUITE 200 2355 MAIN STREET IRVINE, CA 92614			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,338

Applicant(s)

KRAKIRIAN ET AL.

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/14/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-32 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 6-8,23-25, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-9,11-16,18-21,23-31 rejected under 35 U.S.C. 102(b) as being anticipated by Humpleman et al ("Humpleman", US 6,198,479).

As per independent claim 1, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67); selecting said connected device by accessing a menu in said GUI (Column 14 lines 27-

34); and sending a signal from said set-top box to said connected device wherein said signal causes said connected device to enter a new state (Column 14 lines 34-41).

As per claim 2, which is dependent on claim 1, Humpleman teaches a method wherein said new state is an on state (Figure 10, Power).

As per claim 3, which is dependent on claim 1, Humpleman teaches a method wherein said new state is an off state (Figure 10, Power).

As per claim 4, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a light (Column 1 lines 23-34).

As per claim 6, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a media player, such as a DVD or a VCR (Column 1 lines 23-34).

As per claim 7, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is an audio player, such as a juke box or a radio (Column 1 lines 23-34).

As per claim 8, which is dependent on claim 1, Humpleman teaches a method wherein said connected device is a security device, such as a camera (Column 1 lines 23-34).

As per independent claim 9, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67); defining an event in said GUI (Column 21 lines 10-19); defining one or more rules related to said event in said GUI (Column 21 lines 24-33); determining if said event has

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occurred (Column 21 lines 30-33); applying said rules to said device with said set-top box, if said event has occurred (Column 21 lines 30-33).

As per claim 11, which is dependent on claim 9, Humpleman teaches a method wherein said step of determining further comprises using said set-top box to determine the occurrence of said event (Column 21 lines 14-33).

As per independent claim 12, Humpleman teaches a method for interfacing with a device connected to a set-top box comprising: accessing a graphical user interface (GUI) on a partitioned screen coupled to said set-top box (Column 5 lines 64-67); defining a layout for a room in said GUI (Figure 7); defining a location for a connected device in said layout using said GUI (Column 13 lines 66-67, Column 14 lines 1-12); and receiving an indication in said GUI at said location in said layout, when said connected device changes a state (Column 17 lines 1-15).

As per claim 13, which is dependent on claim 12, Humpleman teaches a method wherein said connected device is a light (Column 1 lines 23-34).

As per claim 14, which is dependent on claim 12, Humpleman teaches a method wherein said state is an on state (Figure 10, Power).

As per claim 15, which is dependent on claim 12, Humpleman teaches a method wherein said state is an off state (Figure 10, Power).

As per claim 16, which is dependent on claim 11, Humpleman teaches a method wherein said event is a time, further comprising: activating a clock in said set-top box; and determining when said clock reaches said time (Column 21 lines 24-33).

Claim 18 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 2 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 3 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 4 and is therefore rejected under similar rationale.

Claim 23 is similar in scope to that of claim 6 and is therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 7 and is therefore rejected under similar rationale.

Claim 25 is similar in scope to that of claim 8 and is therefore rejected under similar rationale.

Claim 26 is similar in scope to that of claim 9 and is therefore rejected under similar rationale.

Claim 27 is similar in scope to that of claim 12 and is therefore rejected under similar rationale.

Claim 28 is similar in scope to that of claim 13 and is therefore rejected under similar rationale.

Claim 29 is similar in scope to that of claim 14 and is therefore rejected under similar rationale.

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Claim 30 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 31 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, 17, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al ("Humpleman", US 6,198,479) in view of Jeon et al ("Jeon", US 5,822,012).

As per claim 5, which is dependent on claim 1, Humpleman fails to particularly point out a heater or air conditioner. However, Jeon teaches a method wherein said connected device is a heater or an air conditioner (Column 2 lines 58-63). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Jeon into the method of Humpleman. Motivation to do so would have been include a heater or an air conditioner since Humpleman includes all well-known home devices that are typical in a home.

As per claim 10, which is dependent on claim 9, Humpleman-Jeon teaches a method wherein said step of determining further comprises using said connected device to determine the occurrence of said event (Column 2 lines 49-56).

As per claim 17, which is dependent on claim 10, Humpleman fails to particularly point out a motion sensor connected to the security system. However, Jeon teaches a method wherein said event is a motion at a location and said connected device is a motion detector coupled to a camera, further comprising activating said motion detector; determining when said motion at said location occurs (Column 2 lines 49-56); activating said camera; and transmitting one or more images from said camera to said GUI via said set-top box (Column 2 lines 42-48, lines 54-57). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Jeon into the method of Humpleman. Motivation to do so would have been alert users of the status of sensing data that they may not be aware of.

Claim 22 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 32 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Ficco et al teaches a method and system of controlling devices with digitally stored content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner 2174

RFP

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Kristine Kincaid

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